

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: August 10, 2017

Agenda Item: Upland Game Bird Enhancement Program Strategic Plan Amendment

Division: Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 Min

◆-----◆

Background: FWP partners with landowners through the Upland Game Bird Enhancement Program (UGBEP) to fund projects that enhance upland game bird habitats and provide bird hunting opportunities. Habitat work includes nesting cover, food and winter cover plantings, grazing systems, habitat leases, and conservation easements. Montana statute 87-1-248(5)(a), MCA, places a cap on “project” expenditures, stating “Except when a greater amount, up to \$200,000, is authorized by the Commission, a project may not receive more than \$100,000 in funds collected under 87-1-246.” The term “project” and how it fits with the expenditure cap is not defined in statute. FWP has used the program’s strategic plan to frame how this statute is to be adhered to.

In 2009, a 12-member Citizens’ Advisory Council (CAC) was appointed to make recommendations on a long-term strategic plan and to oversee implementation. At that time, the CAC recommended the expenditure cap for projects be defined as follows: “Project expenditures run with the land, not the landowner” (pg. 100, UGBEP Strategic Plan). Under this definition, once a cumulation of expenditures over multiple contracts reached \$100,000, the program could no longer work on the property without Commission authorization. The intent of this definition was to implement the UGBEP equitably state-wide and to reduce the potential for excessive expenditures on individual properties.

During the five years since plan adoption, challenges have emerged. A number of properties with ongoing habitat enhancement work, including two conservation easements, are approaching or have reached the spending cap limit. This limits FWP’s ability to renew contracts or conduct additional habitat enhancement work if total historic expenditures reach \$200,000. At the May 8, CAC meeting, FWP presented the CAC with a draft proposed revision for Page 100 (attached). The revision re-defines how the statutory expenditure caps would be applied, allowing for new projects 1) after old contracts have expired and 2) on conservation easement lands. The Commission would continue to authorize expenditures in excess of \$100,000, consistent with the revised project definition. The CAC recommended proceeding with the proposed revision and also requested FWP submit the proposed revision to the Commission for **adoption**. The UGBEP council would continue to oversee program implementation and expenditures.

Public Involvement Process & Results: This proposed amendment to the strategic plan was developed and revised in collaboration with the UGBEP CAC, which also included opportunities for public comment during their scheduled meeting. No comments were received on this item.

Alternatives and Analysis: FWP can either proceed with adopting the new language or continue to operate with the current language. Under the status quo, properties that have potential for additional habitat enhancement work would require Commission approval or, in some cases, no more work may be allowed (ever) if the \$200,000 cap has been reached. This limits the Program’s ability to capitalize on high value habitats, particularly on lands where UGBEP has contributed toward conservation easements.

Agency Recommendation & Rationale: FWP recommends revising Page 100 of the UGBEP Strategic Plan as proposed to continue to advance game bird habitat conservation and enhancement work.

Proposed Motion: I move the Fish and Wildlife Commission approve the proposed revision to Page 100 of the Upland Game Bird Enhancement Program Strategic Plan as presented by FWP and recommended by the Citizen Advisory Council.